

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

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**IN RE: YASMIN AND YAZ  
(DROSPIRENONE) MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY  
LITIGATION**

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)  
) **3:09-md-02100-DRH-PMF**  
)  
) **MDL No. 2100**  
) **ORDER GRANTING**  
**DISMISSAL WITHOUT**  
**PREJUDICE**

**This Document Relates to:**

***Candra Seaton v. McKesson Corp., et al.* No. 3:10-cv-20361-DRH-PMF**

***Kerri Timmes v. McKesson Corp., et al.* No. 3:10-cv-20359-DRH-PMF**

**ORDER GRANTING DISMISSAL WITHOUT PREJUDICE**

This matter is before the Court on Bayer HealthCare Pharmaceuticals Inc.'s ("Bayer") motion for an order dismissing plaintiffs' claims, in the above captioned matters, without prejudice for failure to file an appearance as required by Local Rule 83.1(g)(2).

On June 27, 2011, the Court granted motions to withdraw filed by plaintiffs' counsel in the *Seaton* and *Timmes* matters. (Seaton Doc. 18; Timmes Doc. 16.) The Order provided that, "[i]f plaintiff or her new counsel fails to file a supplementary appearance within 21 days of the entry of this Order, plaintiff's action will be subject to dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute or to comply with the orders of this Court including failure to comply with the Plaintiff Fact Sheet requirements." To date,

and in violation of the Order and Local Rule 83.1(g), plaintiffs have not filed a supplementary appearance.

Plaintiffs must comply with the Local Rules and this Court's orders. Fed. R. Civ. P. 41(b). In addition, plaintiffs' failure to file an appearance has prejudiced Bayer. Their Plaintiff Fact Sheets were due on or before May 22, 2011.<sup>1</sup> To date, and in violation of Case Management Order 12, neither has served a fact sheet.

Accordingly, for the reasons stated herein, plaintiffs' actions are hereby dismissed without prejudice.

**SO ORDERED.**

 Digitally signed by  
David R. Herndon  
Date: 2011.08.26  
10:56:58 -05'00'

**Chief Judge  
United States District Court**

**Date: August 26, 2011**

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<sup>1</sup> Their Fact Sheets are more than one month overdue. Bayer answered the *Seaton* complaint on April 7, 2011. (Seaton Doc. 16.) Bayer answered the *Timmes* complaint on March 14, 2011 (Timmes Doc. 14), and it sent plaintiff's counsel a Plaintiff Fact Sheet delinquency letter on May 23, 2011. (Seaton Doc. 20 n.1; Timmes Doc. 18 n.1).